

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILEDUNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2023 MAY 23 AM 9:19

CLERK


KYLE T. WOLFE,

Plaintiff,

v.

VERMONT AGENCY OF ADMIN-
ISTRATION, Department of Taxes.

Defendant.

BY 
DEPUTY CLERK

Case No. 2:23-cv-58

ORDER OF DISMISSAL

In March 2023, Plaintiff Kyle T. Wolfe, representing himself, filed two applications to proceed in forma pauperis (“IFP”) under 28 U.S.C. § 1915, including in this case against the Vermont Agency of Administration, Department of Taxes, seeking to file the Complaints without paying the filing fees.¹ On April 11, 2023, the court granted his applications to proceed IFP, however, the Complaints were dismissed because the court lacked subject matter jurisdiction and his claims against the Vermont agencies were barred under 28 U.S.C. § 1915(e)(2)(B)(iii) because he sought monetary relief against a defendant immune from such relief. Plaintiff was provided an opportunity to amend his pleadings no later than May 15, 2023, and warned that “failure to do so shall result in dismissal of the case.” (Doc. 2 at 7.)

¹ This is not Plaintiff’s first attempt to file an action in this court. Plaintiff has previously filed four actions and has been instructed regarding the required pleading standards as well as directed to a sample complaint. See *Wolfe v. Romei*, Case No. 5:22-cv-142 (D. Vt. Aug. 30, 2022) (order granting IFP and dismissing Complaint); *Wolfe v. Thibault*, Case No. 5:22-cv-143 (D. Vt. Aug. 23, 2022) (order granting IFP and dismissing Complaint); *Wolfe v. Romei*, Case No. 5:22-cv-153 (D. Vt. Aug. 30, 2022) (order granting IFP and dismissing Complaint); *Wolfe v. Thibault*, Case No. 5:22-cv-154 (D. Vt. Aug. 23, 2022) (order granting IFP and dismissing Complaint).

On May 11, 2023, Plaintiff filed an Amended Complaint in his case against the Vermont Judicial Bureau naming the Vermont Department of Taxes as defendant. *See Wolfe v. Vt. Jud. Bureau*, Case No. 2:23-cv-62 (D. Vt. May 11, 2023). As of the date of this Order, no further filings have been received in this case against the Vermont Agency of Administration, Department of Taxes. Consequently, this case is DISMISSED WITHOUT PREJUDICE; the Clerk of Court is directed to close the case file.

SO ORDERED.

Dated at Rutland, in the District of Vermont, this 23rd day of May 2023.

A handwritten signature in black ink, appearing to read 'Geoffrey W. Crawford', is written over a horizontal line.

Geoffrey W. Crawford, Chief Judge
United States District Court